

RULES OF ASSOCIATION for Possum Centre Busselton Inc

Constitution

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1 Name of Association

The name of the Association is Possum Centre Busselton Incorporated – herein referred to as Possum Centre.

2 Definitions

In these Rules, unless the contrary intention appears:

"**Act**" means the Associations Incorporation Act 1987.

"**Annual General Meeting**" is the meeting convened under sub rule 17.1.2.

"**Association**" means the Association referred to in rule 1.

"**Commissioner**" means the Commissioner for Fair Trading exercising powers

"**Committee**" means the Committee of Management of Possum Centre, see rule 11.

"**Committee meeting**" means a meeting referred to in rule 11.

"**Committee member**" means a person referred to in rule 11.

"**Constitution**" or "**Rules**" means this document.

"**Convene**" means to call together for a formal meeting.

"**Department**" means the government department with responsibility for administering the Associations Incorporation Act (1987).

"**Financial Member**" means a member referred to in rule 5.

"**Financial Year**" means a period not exceeding 15 months fixed by the Committee, being a period commencing on the date of incorporation of Possum Centre and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year.

"**General Meeting**" means a meeting to which all members are invited (rule 17).

"**Notice**" means in writing.

"**Member**" means member of Possum Centre.

"**Poll**" means voting conducted in written form (as opposed to a show of hands).

"**President**" means:

- a. In relation to the proceedings at a Committee Meeting or General Meeting, the person presiding at the Committee Meeting or General Meeting in accordance with rule 12; or
- b. otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in rule 12 or, if that person is unable to perform his or her functions, the Vice President.

"**Rules**" or "**Constitution**" means this document.

"**Secretary**" means the Secretary referred to in rule 13.

"**Special General Meeting**" means a General Meeting other than the Annual General Meeting (see rule 17).

"**Special resolution**" has the meaning given by section 24 of the Act, that is:

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the Rules of the Association to vote and vote in person or, where proxies or postal votes are allowed by the Rules of the Association by proxy or postal vote, at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those Rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the Rules of the

Association or, if the Rules do not make provision as to the manner in which a poll may be demanded, by at least three members of the Association present in person or, where proxies are allowed, by proxy.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"**Treasurer**" means the Treasurer referred to in rule 14.

"**Vice- President of Possum Centre**" means the Vice- President referred to in rule 12.

Masculine includes feminine, "in writing" or "written" means and includes printing and/or other means of representing or reproducing words in visible form. Words importing singular include the plural and words importing plural include singular where the context permits.

3 Aims and Objects of Possum Centre

The objects of the Association are:

- 3.1 To help preserve the Western Ringtail Possum in conjunction with relevant governmental organisations, environment industry partners to ensure a healthy, productive and sustainable co-existence between people and possums.
- 3.2 To develop, operate and maintain a co-operative group in order to research, promote and protect possums and other wildlife of the South West of Western Australia but in particular the Western Ringtail Possum.
- 3.3 To provide medical aid for injured or orphaned possums and assist in health research.
- 3.4 To assist in the provision of care, shelter and rehabilitation of possums and their release into a suitable natural environment.
- 3.5 To actively promote the preservation and regeneration of native habitat.
- 3.6 To raise public awareness and increase knowledge and community involvement.
- 3.7 To encourage awareness within the youth of the community.
- 3.8 To provide an 'information pool' for professionals and the general public.
- 3.9 To provide networking opportunities for interested stakeholders.

The property and income of Possum Centre shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

4 Powers of Possum Centre

The powers conferred on Possum Centre are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, Possum Centre may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

- 4.1 Acquire, hold, deal with, and dispose of any real or personal property.
- 4.2 Open and operate bank accounts.
- 4.3 Invest its money
 - 4.1.1 In any security in which trust monies may lawfully be invested; or
 - 4.1.2 In any other manner authorized by the Rules of Possum Centre.

- 4.4 Borrow money upon such terms and conditions as Possum Centre thinks fit.
- 4.5 Give such security for the discharge of liabilities incurred by Possum Centre as Possum Centre thinks fit.
- 4.6 Appoint agents to transact any business of Possum Centre on its behalf.
- 4.7 Enter into any other contract it considers necessary or desirable.
- 4.8 May act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the Rules of Possum Centre.
- 4.9 May affiliate with bodies whose objects are similar or conducive to the objects of Possum Centre.

5 Membership of Possum Centre

- 5.1 Membership of Possum Centre is open to the general public aged twelve and older.
- 5.2 Qualifying for Membership:
 - To qualify for membership a person shall:
 - 5.2.1 Be proposed for membership by one existing financial member of Possum Centre.
 - 5.2.2 Be committed to active participation.
- 5.3 Application for Membership
 - To apply for membership a person shall:
 - 5.3.1 Complete and submit the prescribed application form, signed by the applicant and accompanied by the requisite membership fee.
 - 5.3.2 Be proposed by one financial member and seconded by another financial member (see sub rule 5.2.1).
- 5.4 Types of Membership
 - A person may apply to become a:
 - 5.4.1 Full Member (over 18 years of age).
 - Will be entitled to:
 - 5.4.1.1 Participate in all activities.
 - 5.4.1.2 Participate and vote at General Meetings.
 - 5.4.1.3 Nominate for Committee positions.
 - 5.4.2 Junior Member (from 12 to 18 years of age).
 - Will be entitled to:
 - 5.4.2.1 Participate in selected activities.
 - 5.4.3 Supporters of Possum Centre (12 years of age and older)
 - 5.4.3.1 Participate in selected activities.
- 5.5 The Committee members shall consider each application made under sub rule 5.3 at the Committee meeting immediately following the application.
- 5.6 An applicant whose application for membership of Possum Centre is rejected under sub rule 5.5 must, if he or she wishes to appeal against that decision, give notice (in writing)

to the Secretary of his or her intention to do so within a period of fourteen days from the date he or she is advised of the rejection.

- 5.7 When notice is given under sub rule 5.6, the membership of Possum Centre in a General Meeting no later than the next Annual General Meeting, must either confirm or set aside the decision of the Committee to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, Possum Centre in the General Meeting.

6 Corporate Membership

- 6.1 Corporate bodies as referred to in sub rule 4.9 may become corporate members of Possum Centre. Terms and conditions concerning obligations, rights, subscription fees or voting rights must be negotiated between each Corporate Body and the Committee and be written in a separate contract.
- 6.2 These contracts must be in accordance to this Constitution/Rules.
- 6.3 The following Rules of this Constitution of Possum Centre do not apply:
- 6.3.1 Rule 5 – Membership of Possum Centre.
 - 6.3.2 Rule 8 – Subscription of Members of Possum Centre.
 - 6.3.3 Rule 9 – Termination of Membership from Possum Centre.
 - 6.3.4 Rule 10 – Suspension or Expulsion of Members from Possum Centre.

7 Register of Members of Possum Centre

The Secretary, on behalf of Possum Centre, shall comply with section 27 of the Act by keeping and maintaining:

- 7.1 In an up to date condition a register of the members of Possum Centre and their postal or residential addresses and, upon the request of a member of Possum Centre, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
- 7.2 The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the members at a general meeting decide.

8 Subscriptions of Members of Possum Centre

- 8.1 The members may from time to time at a General Meeting determine the amount of the subscription to be paid by each member category.
- 8.2 Each member must pay to the Treasurer, annually on or before 1 July or such other date as the Committee from time to time determines, the amount of the subscription determined under sub rule 8.1.
- 8.3 A member whose subscription is not paid within three months after the relevant date ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- 8.4 A person exercises all the rights and obligations of a member for the purposes of these Rules if his or her subscription is paid on or before the relevant date under sub rule 8.2 or within three months thereafter, or such other time as the Committee allows.

9 Resignation of Membership from Possum Centre

Membership of Possum Centre may be ended upon:

9.1 Delivery of a notice in writing informing of his or her resignation from Possum Centre to the Secretary or another Committee member.

10 Suspension or Expulsion of Members of Possum Centre

10.1 If the Committee considers that a member should be suspended or expelled from membership of Possum Centre because his or her conduct is detrimental to the interests of Possum Centre, the Committee shall communicate, either orally or in writing, to the member

10.1.1 Notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided.

10.1.2 Particulars of that conduct, not less than thirty days before the date of the Committee meeting referred to in sub rule 10.1.1.

10.2 At the Committee meeting referred to in a notice communicated under sub rule 10.1, the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member from membership of Possum Centre and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

10.3 Subject to sub rule 10.5, a member has his or her membership suspended or ceases to be a member fourteen days after the day on which the decision to suspend or expel a member is communicated to him or her under sub rule 10.2.

10.4 A member who is suspended or expelled under sub rule 10.2 must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of fourteen days referred to in sub rule 10.3.

10.5 When notice is given under sub rule 10.4

10.5.1 Possum Centre in a General Meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, Possum Centre in the General Meeting; and

10.5.2 The member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed.

11 Committee of Management of Possum Centre

11.1 The affairs of the Association will be managed exclusively by a Committee of Management of Possum Centre, herein referred to Committee, consisting of:

11.1.1 President and Vice-President.

11.1.2 Secretary and Treasurer who are the Head and Deputy of the Administration of Possum Centre.

11.1.3 The Head and if applicable Deputy of 'Health and Research'.

11.1.4 The Head and if applicable Deputy of 'Education'.

11.1.5 The Head and if applicable Deputy of "Information Management".

11.2 The Committee must consist of at least six Committee members, but no more than eleven Committee members.

11.2.1 Additional members must be nominated and elected at the following Annual General Meeting.

11.2.1 A nominated additional member of the Committee can join the Committee immediately as a temporary Committee member until he or she is elected at the following annual general meeting.

12 President and Vice-President of Possum Centre

12.1 Subject to this rule, the President shall preside at all General Meetings and Committee meetings.

12.2 In the event of the absence from a General Meeting of the President, the Vice-President; or both the President and the Vice- President, a member elected by the other members present at the general meeting, must preside at the General Meeting.

12.3 In the event of the absence from a Committee meeting of the President, the Vice-President; or both the President and the Vice- President, a Committee member elected by the other Committee members present at the Committee meeting, must preside at the Committee meeting.

12.4 The responsibility for public statements on matters concerning Possum Centre rests with the President, or his/her authorized delegate, under instruction and/or direction from the Committee.

13 Secretary

The Secretary shall:

13.1 Co-ordinate the correspondence of Possum Centre.

13.2 Keep full and correct minutes of the proceedings of the Committee and of Possum Centre.

13.3 Comply on behalf of Possum Centre with:

13.3.1 Section 27 of the Act with respect to the register of members of Possum Centre, as referred to in rule 7.

13.3.2 Section 28 of the Act by keeping and maintaining in an up to date condition the Constitution of Possum Centre and, upon the request of a member Possum Centre, must make available those Rules for the inspection of the member and the member may make a copy of or take an extract from the Rules but will have no right to remove the documentation for that purpose.

13.4 Section 29 of the Act by maintaining a record of:

13.4.1 The names and residential or postal addresses of the persons who hold the offices of Possum Centre provided for by these Rules, including all offices held by the persons who constitute the Committee and persons who are authorized to use the common seal of Possum Centre under rule 23.

13.4.2 The names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of Possum Centre, and the Secretary must, upon the request of a member of Possum Centre, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose.

13.5 Unless the members resolve otherwise at a General Meeting, have custody of all books, documents, records and registers of Possum Centre, including those referred to in sub

rule 13.3 but other than those required by rule 14 to be kept and maintained by, or in the custody of, the Treasurer.

13.6 Perform such other duties as are imposed by these Constitution/Rules on the Secretary.

14 Treasurer

The Treasurer shall

14.1 Be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, Possum Centre and ensure the issuing of receipts for those moneys in the name of Possum Centre.

14.2 Pay all moneys referred to in sub rule 14.1 into such account or accounts of Possum Centre as the Committee may from time to time direct.

14.3 Make payments from the funds of Possum Centre with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorized Committee member, or by any two others as are authorized by the Committee.

14.4 Comply on behalf of Possum Centre with sections 25 and 26 of the Act with respect to the accounting records of the Association.

14.5 Unless the members resolve otherwise at a General Meeting, have custody of all securities, books and documents of a financial nature and accounting records of Possum Centre, including those referred to in sub rule 14.4.

14.6 Ensure appropriate funds are available to maintain Possum Centre operations.

14.7 Perform such other duties as are imposed by these Constitution/Rules on the Treasurer.

15 Casual Vacancies in Membership of Committee

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member

15.1 Resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice-President and that resignation is accepted by resolution of the Committee.

15.2 Is convicted of an offence under the Act.

15.3 Is absent from more than

15.3.1 Three consecutive Committee meetings; or

15.3.2 Three Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings of which meetings the member received notice, and the Committee has resolved to declare the office vacant.

15.4 Ceases to be a member of the Association.

15.5 Is the subject of a resolution passed by a General Meeting of members terminating his or her appointment as a Committee member.

16 Proceedings of Committee

16.1 The Committee shall meet together for the dispatch of business not less than six times in each year and the President, or at least half the members of the Committee, may at any time convene a meeting of the Committee.

- 16.2 Each Committee member has a deliberative vote.
- 16.3 A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- 16.4 At a Committee meeting fifty percent of the Committee members constitute a quorum.
- 16.5 Subject to these Rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- 16.6 A Committee member having any direct or indirect pecuniary interest referred to in Section 21 or 22 of the Act, shall comply with that section.

17 General Meetings

17.1 The Committee:

- 17.1.1 May at any time convene a Special General Meeting.
- 17.1.2 Shall convene Annual General Meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within four months after the end of the Possum Centre financial year or such longer period as may in a particular case be allowed by the Commissioner, except for the first Annual General Meeting which may be held at any time within eighteen months after incorporation.
- 17.1.3 Shall, within thirty days of receiving a request in writing to do so from not less than five members, convene a Special General Meeting for the purpose specified in that request; or the Secretary receiving a notice under sub rule 10.4, convene a General Meeting to deal with the appeal to which that notice relates.
- 17.1.4 Shall, after receiving a notice under sub rule 10.4, convene a General Meeting, no later than the next Annual General Meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address Possum Centre at that next Annual General Meeting in relation to the Committee's rejection of his or her application and Possum Centre at that meeting must confirm or set aside the decision of the Committee.
- 17.2 The members making a request referred to in sub rule 17.1.3 shall state in that request the purpose for which the Special General Meeting concerned is required; and sign that request.
- 17.3 If a Special General Meeting is not convened within the relevant period of thirty days referred to in sub rule 17.1.3, the members who made the request concerned may themselves convene a Special General Meeting as if they were the Committee; or later in sub rule 17.1.3, the member who gave the notice concerned may him or herself convene a Special General Meeting as if he or she were the Committee.
- 17.4 When a Special General Meeting is convened under sub rule 17.1.3 Possum Centre must pay the reasonable expenses of convening and holding the special general meeting.
- 17.5 Subject to sub rule 17.7, the Secretary shall give to all members not less than fourteen days notice of a Special General Meeting and that notice must specify when and where the General Meeting concerned is to be held; and particulars of the business to be transacted at the General Meeting concerned and of the order in which that business is to be transacted.

- 17.6 Subject to sub rule 17.7, the Secretary shall give to all members not less than twenty-one days notice of an Annual General Meeting and that notice must specify when and where the Annual General Meeting is to be held; the particulars and order in which business is to be transacted.
- 17.7 The Secretary shall give a notice under sub rules 17.5 or 17.6 by serving it on a member personally; or sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.
- 17.8 When a notice is sent by post under sub rule 17.7, sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

18 Quorum in Proceedings at General Meetings

- 18.1 At a General Meeting six members present in person constitute a quorum.
- 18.2 If within thirty minutes after the time specified for the holding of a general meeting in a notice given under sub rules 17.5 or 17.6:
- 18.2.1 As a result of a request or notice referred to in sub rule 17.1.3 or as a result of action taken under sub rule 17.3 quorum is not present, the General Meeting lapses; or
- 18.2.2 Otherwise than as a result of a request, notice or action referred to in sub rule 18.2.1, the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 18.3 If within thirty minutes of the time appointed by sub rule 18.2.2 for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.
- 18.4 The President may, with the consent of a General Meeting at which a quorum is present, and shall, if so directed by such a General Meeting, adjourn that General Meeting from time to time and from place to place.
- 18.5 There shall not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.
- 18.6 When a General Meeting is adjourned for a period of thirty days or more, the Secretary shall give notice under rule 17 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting.
- 18.7 At a General Meeting
- 18.7.1 An ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands.
- 18.7.2 A special resolution put to the vote shall be decided in accordance with section 24 of the Act.
- 18.8 A declaration by the presiding person of a General Meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with sub rule 18.9.
- 18.9 At a General Meeting, a poll may be demanded by the presiding person or by three or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the presiding person directs.

18.10 If a poll is demanded and taken under sub rule 18.9 in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

18.11 A poll demanded under sub rule 18.9 shall be taken immediately on that demand being made.

19 Minutes of Meetings of Possum Centre

19.1 The Secretary shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within thirty days after the holding of each General Meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.

19.2 The President shall ensure that the minutes taken of a general meeting or Committee meeting under sub rule 19.1 are checked and signed as correct by the presiding person of the general meeting or Committee meeting to which those minutes relate or by the presiding person of the next succeeding general meeting or Committee meeting, as the case requires.

19.3 When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that:

19.3.1 The General Meeting or Committee meeting to which they relate (in this rule called "the meeting") was duly convened and held.

19.3.2 All proceedings recorded as having taken place at the meeting did in fact take place at the meeting.

19.3.3 All appointments or elections purporting to have been made at the meeting have been validly made.

20 Voting Rights of Members of Possum Centre

20.1 Subject to these Rules, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

21 Proxies of Members of Possum Centre

21.1 A member (in this rule called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at any General Meeting.

22 Rules of Possum Centre

22.1 Possum Centre may alter or rescind these Rules, or make Rules additional to these Rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act.

22.2 These Rules bind every member of Possum Centre and the Possum Centre Association to the same extent as if every member of Possum Centre had signed and sealed these Rules and agreed to be bound by all their provisions.

23 Common Seal of Possum Centre

23.1 Possum Centre shall have a common seal on which its corporate name appears in legible characters.

23.2 The common seal of Possum Centre shall not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 19.

23.3 The affixing of the common seal of Possum Centre shall be witnessed by any two of the President, the Secretary and the Treasurer.

23.4 The common seal of Possum Centre shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

24 Inspection of Records, etc. of Possum Centre

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

25 Distribution of Surplus Property on Winding Up of Possum Centre

If upon the winding up or dissolution of Possum Centre there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property shall be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

26 Matters Not Covered in these Rules.

26.1 Where any subject, dispute or matter not covered by these Rules shall be brought before Possum Centre, the Committee of Management shall then have the power to adjudicate on the matter or make any decision thereon which shall be binding.

26.2 Any resolution regarding additional Rules, which may be carried as being considered needed to cope with any situation arising from causes as set out in sub rule 26.1 above, shall become effective until the following Annual General Meeting or until dealt with at a Special General Meeting held to consider it.

27 Adoption

These Rules were unanimously adopted at a Special General Meeting held at Busselton on this day the 20th day of April, 2006.